

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor <b>Ocwen Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, As Trustee for Argent Securities Inc., Asset- Backed Pass-Through Certificates, SERIES 2006-M2</b>  Aleisha C. Jennings, Esq. (AJ-049302015)	CASE NO.: 19-15002-KCF  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Heather J. Schwarz,</b>  <b>Debtor.</b>	

### **OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Ocwen Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, As Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-M2 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 14), and states as follows:

1. Debtor, Heather J Schwarz, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 12, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 478 Woodpark Drive, Brick, NJ 08723, by virtue of a Mortgage recorded on June 26, 2006 in Book 13227, at Page 0111 of the Public Records of Ocean County, NJ. Said Mortgage secures a Note in the amount of \$224,720.00.
3. The Debtor filed a Chapter 13 Plan on March 26, 2019.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is

approximately \$129,496.35, whereas the Plan proposes to pay only \$125,000.00. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$129,496.35, subject to the final figures in the anticipated proof of claim, as the pre-petition arrearage over the life of the plan.

5. Thus far, loan modification has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC  
Attorney for Secured Creditor  
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Fairfield, NJ 07004  
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By: /s/Aleisha C. Jennings  
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<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor <b>Ocwen Loan Servicing, LLC as servicer for</b> <b>Deutsche Bank National Trust Company, As</b> <b>Trustee for Argent Securities Inc., Asset-</b> <b>Backed Pass-Through Certificates, SERIES</b> <b>2006-M2</b>  Aleisha C. Jennings, Esq. (AJ-049302015)	CASE NO.: 19-15002-KCF  CHAPTER 13  <b>Objection to Confirmation of Debtor's</b> <b>Chapter 13 Plan</b>
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**CERTIFICATION OF SERVICE**

1. I, Aleisha C. Jennings, represent Ocwen Loan Servicing, LLC as servicer for  
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT  
SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES  
2006-M2 in this matter.
2. On April 10, 2019, I caused a copy of the following pleadings and/or documents to be  
sent to the parties listed in the chart below: Objection to Confirmation of Debtor's  
Chapter 13 Plan
3. I certify under penalty of perjury that the above documents were sent using the mode of  
service indicated.

April 10, 2019

RAS Citron, LLC  
Attorney for Secured Creditor  
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Fairfield, NJ 07004  
Telephone Number 973-575-0707

By: /s/Aleisha C. Jennings  
Aleisha C. Jennings, Esquire  
NJ Bar Number (AJ-049302015)  
Email: ajennings@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Daniel E Straffi, Jr. 670 Commons Way Toms River, NJ 08755	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Heather J. Schwarz 478 Woodpark Drive Brick, NJ 08723-5618	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
U.S. Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)